

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**

**V**

**Fireplace Village Shops Inc.**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages

**Employer:** Fireplace Village Shops, Inc.  
48 Fieldstone Dr.  
Londonderry, NH 03053

**Date of Hearing:** September 24, 2014

**Case No.:** 48359

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserts he is owed \$1,713.60 in an unpaid bonus/wages which the employer agrees is due.

The employer agrees the claimant is due the bonus, however, the business has closed unexpectedly and there are no funds to pay the claimant. They do not have the funds to file for bankruptcy. A secured creditor took the tangible assets and the business closed.

**FINDINGS OF FACT**

The employer admits the claimant is due the claimed bonus, but simply does not have the funds to pay. The employer has not filed bankruptcy due to lack of funding.

The employer's ability to pay is not at issue in the hearing, only whether the wages are due.

The Hearing Officer finds the claimant proved by a preponderance of the evidence that he is due the claimed wages.

**DECISION AND ORDER**

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant proved by a preponderance of the evidence that he is owed the claimed wages, it is hereby ruled that the Wage Claim is valid in the amount of \$1,713.60.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$1,713.60, less any applicable taxes, within 20 days of the date of this Order.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: September 29, 2014

Original: [REDACTED]  
cc: Fireplace Village Shops, Inc.

MJD/kl